



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION I  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MASSACHUSETTS 02109-3912

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**FEB 09 2012**

Mr. Timothy MacDuff  
Director of Facilities  
New London Public Schools  
134 Williams Street  
New London, Connecticut 06320

Re: PCB Cleanup and Disposal Approval under 40 CFR § 761.61(a) and § 761.79(h)  
Nathan Hale Elementary School  
New London, Connecticut

Dear Mr. MacDuff:

This is in response to the New London Public Schools (NLPS) Notification<sup>1</sup> for approval of the proposed plan to address PCB contamination at the Nathan Hale Elementary School located at 37 Beech Drive in New London, Connecticut (the Site). The Site contains caulk and glazing that exceed the allowable PCB levels under 40 CFR § 761.20(a) and § 761.62.

NLPS has requested an approval under 40 CFR § 761.61 (a) which includes but is not limited to the following activities:

- Remove window caulk and glazing, door caulk, and expansion joint caulk and dispose as a *PCB bulk product waste* in accordance with § 761.62 (caulk and/or glazing may remain with window door systems for disposal as PCB waste greater than or equal to ( $\geq$  50 part per million (ppm)) in a TSCA-approved disposal facility or RCRA hazardous waste landfill;
- Remove entire window and door systems, (including panels, insulation, and glass), interior cement board window sills, exterior concrete window sills, exterior wood block, and soffit panels and dispose as a  $\geq$ 50 ppm *PCB remediation waste* in a TSCA-approved disposal facility or RCRA hazardous waste landfill;

<sup>1</sup> The notification was prepared by Fuss & O'Neill on behalf of the New London Public Schools to satisfy the notification requirement under 40 CFR § 761.61(a)(3) and § 761.79(h). Information was submitted dated November 17, 2011 (Self-Implementing On-Site Cleanup and Disposal Plan (SIDP)); January 30, 2012 (Revised SIDP); January 30, 2012 (Response to EPA Comments); and February 3, 2012 (e-mail February 2009 HazMat Survey Report and clarification on light ballasts). These submittals shall be referred to as the "Notification".

- Remove a minimum of one course *porous surfaces* (i.e., exterior brick) adjacent to PCB caulk and dispose as a  $\geq 50$  ppm *PCB remediation waste* in a TSCA-approved disposal facility or RCRA hazardous waste landfill;
- Remove a minimum of one-half course *porous surfaces* (i.e., interior painted concrete block) adjacent to PCB caulk and dispose as a  $\geq 50$  ppm PCB waste in a TSCA-approved disposal facility or RCRA hazardous waste landfill;
- Remove and dispose of soils with greater than ( $>$ ) 1 ppm but less than ( $<$ ) 50 ppm PCBs as a  $< 50$  ppm PCB waste in a RCRA non-hazardous waste landfill; and,
- Decontaminate certain *non-porous surfaces* (e.g., painted steel lintels) to the NACE 2 visual standard or less than or equal to ( $\leq$ )  $1 \mu\text{g}/100 \text{ cm}^2$  if the NACE 2 visual standard cannot be met.

The Notification meets the requirements and standards established under § 761.61(a), § 761.62, and § 761.79 for cleanup and disposal of *PCB remediation waste* and *PCB bulk product waste*.

NLPS may proceed with its project in accordance with 40 CFR § 761.61(a); § 761.62; § 761.79(h); its Notification; and, this Approval, subject to the conditions of Attachment 1.

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)  
United States Environmental Protection Agency  
5 Post Office Square, Suite 100  
Boston, Massachusetts 02109-3912  
Telephone: (617) 918-1527  
Facsimile: (617) 918-0527

This Approval does not release NLPS from any applicable requirements of federal, state or local law, including the requirements related to cleanup and disposal of PCBs or other contaminants under the Connecticut Department of Energy and Environmental Protection (CT DEEP) regulations.

EPA shall not consider this project complete until it has received all submittals required under this Approval. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,

A handwritten signature in blue ink, appearing to read "James T. Owens III", followed by a stylized flourish.

James T. Owens III, Director  
Office of Site Remediation & Restoration

cc Kevin McCarthy, Fuss & O'Neill  
Gary Trombly, CT DEEP  
Brian Toal, CT DPH  
File

Attachment 1: PCB Approval Conditions



## ATTACHMENT 1

**PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS  
NEW LONDON PUBLIC SCHOOLS  
NATHAN HALE ELEMENTARY SCHOOL (the "Site")  
37 BEECH DRIVE  
NEW LONDON, CONNECTICUT**

### GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB bulk product waste* and the *PCB remediation waste* located at the Site and identified in the Notification.<sup>(2)</sup>
2. New London Public Schools (NLPS) shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. NLPS must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, NLPS shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.
6. NLPS is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time NLPS has or receives information indicating that NLPS or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.

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<sup>2</sup> The notification was prepared by Fuss & O'Neill on behalf of NLPS to satisfy the notification requirement under 40 CFR § 761.61(a)(3) and § 761.79(h). Information was submitted dated November 17, 2011 (Self-Implementing On-Site Cleanup and Disposal Plan (SIDP)); January 30, 2012 (Revised SIDP); January 30, 2012 (Response to EPA Comments); and, February 3, 2012 (email February 2009 HazMat Survey Report and clarification on light ballasts). These submittals shall be referred to as the "Notification".

7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by NLPS are authorized to conduct the activities set forth in the Notification. NLPS is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.
8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release NLPS from compliance with any applicable requirements of federal, state or local law; or 3) release NLPS from liability for, or otherwise resolve any violations of federal, state or local law.

#### **NOTIFICATION AND CERTIFICATION CONDITIONS**

9. This Approval may be revoked if the EPA does not receive written notification from NLPS of its acceptance of the conditions of this Approval within 10 business days of receipt.
10. NLPS shall notify EPA in writing of the scheduled date of commencement of on-site activities at least one (1) business day prior to conducting any work under this Approval.
11. NLPS shall submit the following information for EPA review and/or approval:
  - a. a certification signed by its selected abatement/demolition contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval;
  - b. a contractor work plan, prepared and submitted by the selected demolition or abatement contractor(s) describing the containment and air monitoring that will be employed during abatement activities. This work plan should also include information on how and where wastes will be stored and disposed of, and on how field equipment will be decontaminated; and,
  - c. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the extraction and analytical method requirements and quality assurance requirements specified in the Notification and in this Approval.

#### **CLEANUP AND DISPOSAL CONDITIONS**

12. To the maximum extent practical, engineering controls, such as barriers, and removal techniques, such as the use of HEPA ventilated tools, shall be utilized during removal processes. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.



13. PCB-contaminated materials shall be decontaminated and confirmatory sampling and analysis shall be conducted as described below:
- a. All visible residues of PCB-contaminated caulk (i.e., *PCB bulk product waste*) shall be removed as described in the Notification.
  - b. The cleanup standard for *porous surfaces* (e.g., concrete and brick) shall be less than or equal to ( $\leq$  1 part per million (ppm).
    - i) All post-cleanup verification sampling for *porous surfaces* shall be performed on a bulk basis (i.e., mg/kg) and reported on a dry weight analysis. Verification sampling for *porous surfaces* shall be conducted in accordance with the EPA Region 1 *Standard Operating Procedure For Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs) Revision 4, May 5, 2011*, at a maximum depth interval of 0.5 inches, and in accordance with Subpart O as detailed in the Notification.
    - ii) If composite samples are collected, the following shall apply:
      - (1) The composite shall be prepared using equal volumes of each grab sample in accordance with § 761.289(a); and,
      - (2) The composite sample analytical results shall be adjusted by multiplying the composite analytical results by the number of grab samples comprising the composite. This adjusted result shall be used to determine if the PCB cleanup standard of  $\leq 1$  ppm has been met.
    - iii) Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction/analytical method(s) is validated according to Subpart Q.
  - c. The decontamination standard for *non-porous surfaces* (e.g., steel lintels) shall be the NACE No. 2 visual standard as required under § 761.79(b)(3)(i)(B). Alternatively, *non-porous surfaces* may be decontaminated as follows:
    - i) All visible caulk shall be removed as described in the Notification.
    - ii) Post-decontamination verification sampling of *non-porous surfaces* shall be performed on a surface area basis by the standard wipe test as specified in 40 CFR § 761.123 (i.e.,  $\mu\text{g}/100\text{ cm}^2$ ) and in accordance with Subpart P.

- iii) In the event decontaminated *non-porous surfaces* have PCB concentrations at greater than ( $>$ )  $1\mu\text{g}/100\text{ cm}^2$  PCBs, NLPS may conduct additional decontamination to achieve the required decontamination standard or must store and dispose of these wastes in accordance with 40 CFR Part 761.
  - iv) Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction/analytical method(s) is validated according to Subpart Q.
- d. The cleanup standard of bulk *PCB remediation waste* (i.e., soil) shall be  $\leq 1$  ppm.
- i) Verification samples shall be collected on a bulk basis (e.g., mg/kg) and reported on a dry-weight basis. Verification sampling shall comply with Subpart O; samples shall be collected from both excavation bottoms and sidewalls, as applicable.
  - ii) Chemical extraction for PCBs shall be conducted using Method 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction or analytical method(s) is validated according to Subpart Q.
14. PCB waste (at any concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with 40 CFR § 761.40; stored in a manner consistent with 40 CFR § 761.65; and, disposed of in accordance with 40 CFR § 761.61 or § 761.62, unless otherwise specified below.
- a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g)(6).
  - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
  - c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.



### **INSPECTION, MODIFICATION AND REVOCATION CONDITIONS**

15. NLPS shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by NLPS to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
16. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).
17. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
18. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
19. Approval for these activities may be revoked, modified or otherwise altered: if EPA finds a violation of the conditions of this Approval or of 40 CFR Part 761, including EPA's PCB Spill Cleanup Policy, or other applicable rules and regulations; or, if EPA finds that these activities present an unreasonable risk to public health or the environment.

### **RECORDKEEPING AND REPORTING CONDITIONS**

20. NLPS shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the cleanup and disposal and the analytical sampling shall be established and maintained by NLPS in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection to authorized representatives of EPA.
21. NLPS shall submit a final report as both a hard copy and electronic version, to the EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the project activities with photo-documentation; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of and the size of the PCB cleanup area(s); copies of manifests and bills of lading; and copies of certificates of disposal or similar certifications issued by the disposer.



22. Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator  
United States Environmental Protection Agency  
5 Post Office Square, Suite 100 – (OSRR07-2)  
Boston, Massachusetts 02109-3912  
Telephone: (617) 918-1527  
Facsimile: (617) 918-0527

23. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

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**END OF ATTACHMENT 1**